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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 24 June 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chair of the Committee

With reference to paragraph 25 of Security Council resolution 1970 (2011) requesting Member States to report to the Committee on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15, and 17 of that resolution, I have the honour to submit herewith the report of Singapore (see annex).

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Annex to the letter dated 24 June 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Singapore to the United Nations addressed to the Chair of the Committee

National report of Singapore on the implementation of Security Council resolution 1970 (2011)

1. Singapore has taken note of the adoption of Security Council resolution 1970 (2011) and is committed to the implementation of the provisions of the relevant paragraphs. In this regard, Singapore has the necessary legislative framework that will enable it to meet its obligations under the resolution.

National legislative measures

2. Singapore has in place various legislative measures to impose the sanctions stipulated under resolution 1970 (2011). These include the Strategic Goods (Control) Act, the Regulation of Imports and Exports Act, the United Nations Act, the Monetary Authority of Singapore Act, the Merchant Shipping Act and the Immigration Act.

3 Through these legislative measures (described in greater detail below), Singapore is able to implement the relevant provisions of resolution 1970 (2011) in the following manner:

(a) Paragraph 9: through a combination of the United Nations Act, the Regulation of Imports and Exports Act, the Strategic Goods (Control) Act, the Monetary Authority of Singapore Act and the Merchant Shipping Act;

(b) Paragraph 10: through a combination of the United Nations Act, the Regulation of Imports and Exports Act, the Strategic Goods (Control) Act and the Merchant Shipping Act;

(c) Paragraph 15: through the Immigration Act;

(d) Paragraph 17: through the Monetary Authority of Singapore Act and the United Nations Act.

Strategic Goods (Control) Act

4. As part of its efforts to help curb the proliferation of weapons of mass destruction, Singapore implemented in January 2003 a robust and enhanced export control system. The Strategic Goods (Control) Act regulates the export, re-export, trans-shipment and transit of strategic goods or technology as defined under the Act. Singapore's strategic goods control lists include all the items from the four multilateral non-proliferation regimes, namely the Australia Group, the Wassenaar Arrangement, the Nuclear Suppliers Group and the Missile Technology Control Regime. Wide powers are also given to law enforcement officers for arrest, search and seizure. The Act imposes heavy penalties for parties involved in transferring or brokering the transfers of strategic goods or technology. A first-time offender can be subjected to a maximum fine of 100,000 Singapore dollars (or more, depending on the value of the goods or technology concerned) or a maximum sentence of two years' imprisonment, or both.

5. Singapore Customs is the national authority for the implementation of the Strategic Goods (Control) Act. Singapore Customs processes all permit applications, registers and audits arms brokers, conducts industry outreach and public awareness programmes and enforces the Act and its Regulations on violations of strategic goods control. Enforcement is based on both timely and reliable intelligence and risk management assessment.

6. Singapore is continually monitoring its system and will make further refinements to it, be they in terms of control lists or procedures, where necessary. Singapore Customs has been conducting regular outreach sessions to educate industries on the Singapore strategic goods control system. Participants are reminded of the need to exercise due diligence, in particular with regard to goods originating from or destined to the countries and entities listed under the relevant Security Council resolutions.

7. Specifically, the Strategic Goods (Control) Act enables Singapore to implement the sanctions in paragraphs 9 and 10 of resolution 1970 (2011) by controlling the export, re-export, trans-shipment and transit of items covered by those paragraphs to the Libyan Arab Jamahiriya through its territory.

Regulation of Imports and Exports Act

8. The Regulation of Imports and Exports Act and its Regulations provide the framework under which Singapore regulates and controls general imports and exports. The Act also regulates controls on countries under Security Council embargo and certification of the import certificate and delivery verification system which regulates controlled items from originating countries for end-users in Singapore.

9. Specifically, the Regulation of Imports and Exports Act and its Regulations enable Singapore to implement the sanctions in paragraphs 9 and 10 by controlling the import and export of items specified in those paragraphs. Singapore is in the process of amending the Regulation of Imports and Exports Act to incorporate the list of prohibited items and their modes of transaction, as covered by paragraphs 9 and 10.

United Nations Act

10. The United Nations Act enables the Singapore Government to give effect to binding decisions of the Security Council through subsidiary legislation, in areas not covered by existing legislation, without the need to enact additional primary legislation. Regulations made under this Act have force of law and entail criminal penalties, notwithstanding anything to the contrary in any other law apart from the Singapore Constitution. These Regulations apply to all persons and entities in Singapore and may be extended to Singapore citizens outside Singapore.

11. Singapore is currently drafting new Regulations under the United Nations Act which will criminalize the supply, sale or transfer, whether directly or indirectly, to the Libyan Arab Jamahiriya of any of the items in paragraph 9 of the resolution, from or through Singapore, by persons or entities in Singapore and Singapore citizens outside Singapore, or by using Singapore flagged vessels or aircraft. The Regulations will also implement paragraph 10 by criminalizing the procurement of

the items referred to in that paragraph from the Libyan Arab Jamahiriya by Singapore nationals or using Singapore flagged vessels or aircraft.

12. The Regulations will further criminalize the provision of technical assistance, training or non-financial assistance related to military activities as covered under paragraph 9. In addition, the Regulations will impose an asset freeze on all relevant assets covered under paragraph 17, other than assets in the possession of financial institutions, of the list of persons or entities in annex II to the resolution or as designated by the Committee established pursuant to paragraph 24 of the resolution. Assets in the possession of financial institutions will be frozen pursuant to Regulations made under the Monetary Authority of Singapore Act, as discussed below.

Monetary Authority of Singapore Act

13. Under section 27A of the Monetary Authority of Singapore Act, the Monetary Authority of Singapore may issue Regulations to require financial institutions to comply with Singapore's obligations under Security Council resolutions. New Regulations under the Monetary Authority of Singapore Act, currently in draft form, will impose an asset freeze on all relevant assets covered under paragraph 17. Financial institutions in Singapore will also be prohibited from providing financial assistance related to the activities as covered in paragraph 9. Any financial institution found to be in breach of the Regulations will be guilty of an offence and be liable on conviction to a fine.

Merchant Shipping Act

14. Under section 43 of the Merchant Shipping Act, the Maritime and Port Authority of Singapore may close the registry of a Singapore ship and cancel its certificate of registry. This statutory provision may be invoked in appropriate cases to enforce the relevant portions of resolution 1970 (2011).

Immigration Act

15. The Immigration Act sets the legal boundaries for the movement of persons into and out of Singapore. Under section 7, no person has automatic right of entry into Singapore apart from Singapore citizens. Under section 6, unless exempted by an order made under section 56, foreign visitors to Singapore must be issued with a valid pass before they are allowed entry. As part of the entry procedures, they are screened against the blacklist database of the Immigration and Checkpoint Authority during entry clearance. Persons designated in resolution 1970 (2011) or by the Sanctions Committee established under the resolution can be denied entry and returned to their last port of embarkation in accordance with international practice.